

RESOLUTION NO. 84-017

BEFORE THE CITY COUNCIL OF THE CITY OF
LODI, CALIFORNIA

A RESOLUTION OF INTENTION TO ACQUIRE AND/OR CONSTRUCT IMPROVEMENTS
LODI UNITED DOWNTOWN ASSESSMENT DISTRICT
BEAUTIFICATION PROJECT

RESOLVED, by the City Council of the City of Lodi, California, that in its opinion the public interest, convenience and necessity require and that it is the intention of said Council to order the acquisition and/or construction of the improvements hereinafter described.

1. Whenever any public way is herein referred to as running between two public ways, or from or to any public way, the intersections of the public ways referred to are included to the extent that work shall be shown on the plans to be done therein.

2. Said streets and highways are more particularly shown in the records on file in the office of the County Recorder of San Joaquin County, California, and are shown upon the plans herein referred to and filed with the Clerk of said City.

3. All of said work and improvements are to be constructed at the places and in the particular locations, of the forms, sizes, dimensions and materials, and at the lines, grades and elevations as shown and delineated upon the plans, profiles and specifications to be made therefor, as hereinafter provided.

4. There is to be excepted from the work herein described any of such work already done to line and grade and marked excepted or shown not to be done on said plans, profiles and specifications.

5. Said improvements to be acquired and/or constructed herein are more particularly described as follows:

(a) The construction of improvements in the following street intersections, by grading, including importation or excavation, and removal of certain existing improvements, and the construction and installation therein of: beautification and improvement of street intersections, including handicap access to crosswalks, the inlay of colored concrete interlocking pavers with six inch (6") wide concrete retention strips, and the installation of ten feet (10') diameter cast-in-place concrete planters adjacent thereto for landscaping; and all appurtenances thereto, to wit:

- (1) School Street and Lodi Avenue;
- (2) School Street and Walnut Street;
- (3) School Street and Oak Street;
- (4) School Street and Pine Street;
- (5) School Street and Elm Street;
- (6) School Street and Locust Street.

(b) Tree planting and landscaping of all streets within the area included in the assessment district.

(c) The doing of all work auxiliary to any of the above and necessary to complete the same.

(d) The acquisition of all lands and easements necessary for any of said work and improvements.

6. Notice is hereby given of the fact that in many cases said work and improvements will bring the finished work to a grade different from that formerly existing, and that to said extent said grades are hereby changed and that said work will be done to said changed grades.

7. Said Council does hereby adopt and establish as the official grades for said work the grades and elevations to be shown upon said plans, profiles and specifications. All such grades and elevations are to be in feet and decimals thereof with reference to the datum plane of the City.

8. The description of the acquisitions and/or improvements and the termini of the work contained in this Resolution are general in nature. All items of work do not necessarily extend for the full length of the description thereof. The plans and profiles of the work and maps and descriptions, as contained in the Engineer's report, shall be controlling as to the correct and detailed description thereof.

9. Said contemplated acquisition and/or construction of improvements, in the opinion of this Council, are of more than local or ordinary public benefit, and the costs and expenses thereof are made chargeable as hereinafter set forth upon an assessment district, the exterior boundaries of which district are described in Exhibit A, attached hereto, and delineated upon a map thereof, entitled, "Proposed Boundaries of LODI UNITED DOWNTOWN ASSESSMENT DISTRICT, BEAUTIFICATION PROJECT", on file with the City Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the proposed district and shall govern for all details as to the extent of the assessment district.

10. Said Council further declares that all public streets and highways within said assessment district in use in the performance of a public function as such shall be omitted from the assessment hereafter to be made to cover the costs and expenses of said acquisition and/or construction of improvements.

11. Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at a rate not to exceed the maximum rate provided in the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code, and that the applicable provisions of Part 11.1 of said Act providing an alternative procedure for the advance payment of assessments and the calling of bonds, shall apply. The last installment of such bonds shall mature not to exceed fourteen (14) years from the second day of July next succeeding ten (10) months from their date, principal and interest to be reasonably amortized, the proceeds of said bonds to be invested and interest thereon paid into the redemption fund of said bonds.

Said Council finds and declares that a special reserve fund as provided in Part 16 of said Act shall be required, the amount thereof to be fixed and determined upon the sale of the bonds.

Said Council hereby covenants with the holders of said assessment bonds to be issued herein that it will, within a reasonable time following the due date of any delinquent installment of assessments securing the bonds to be issued, commence and thereafter diligently prosecute to completion a foreclosure action regarding such delinquent installment of assessment.

12. Except as herein otherwise provided for the issuance of bonds, all of said improvements shall be done pursuant to the provisions of The Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code.

13. Reference is hereby made to proceedings had pursuant to Division 4 of the Streets and Highways Code of the State of California, on file with the City Clerk.

14. Notice is hereby given that, in the opinion of this Council, the public interest will not be served by allowing the property owners to take the contract for the construction of the improvements, and that, pursuant to Section 20487 of the Public Contracts Code, no notice of award of contract shall be published.

15. Said proposed acquisition and/or construction of improvements are hereby referred to BAUMBACH & PIAZZA, Lodi, California, Engineer of Work, being a competent firm employed by said City for that purpose; and said Engineer is hereby directed to make and file with the Clerk of said City a report in writing, presenting the following:

(a) Maps and descriptions of the lands and easements, and a general description of any works or appliances to be acquired;

(b) Plans and specifications of the proposed improvements to be constructed;

(c) Engineer's statement of the itemized and total estimated costs and expenses of said acquisitions and/or improvements and of the incidental expenses in connection therewith;

(d) Diagram showing the assessment district above referred to, and also the boundaries and dimensions of the respective subdivisions of land within said City as the same existed at the time of the passage of this Resolution of Intention, each of which subdivisions, including each separate condominium interest as defined in Section 783 of the Civil Code of the State of California, shall be given a separate number upon said diagram;

(e) A proposed assessment of the total amount of the costs and expenses of the proposed acquisitions and/or improvements upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said acquisition and/or construction of improvements, and of the expenses incidental thereto.

16. If any excess shall be realized from the assessment, it shall be used in such amounts as the Council may determine, in accordance with the provisions of law for one or more of the following purposes:

(a) Transfer to the general fund of the City, provided that the amount of any such transfer shall not exceed the lesser of \$1,000 or 5% of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment in accordance with the provisions of Section 10427.1 of the Streets and Highways Code;

(c) To reimburse the City for any contributions or advances to or for the construction fund that were not pledged in this Resolution of Intention;

(d) For the maintenance of the improvements or a specified part thereof.

DATED: February 22, 1984.

I, ALICE M. REIMCHE, City Clerk of the City of Lodi, do hereby certify that Resolution No. 84- 017 was passed and adopted at an Adjourned Regular meeting of the City Council of the City of Lodi, held February 22, 1984, by the following vote:

AYES: Councilmen - Reid, Snider, Murphy, Pinkerton, and Olson (Mayor)

NOES: Councilmen - None

ABSENT: Councilmen - None

ABSTENTIONS: Councilmen - None



ALICE M. REIMCHE, City Clerk